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Attorneys for Plaintiff
RUTH HILLIARD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUTH HILLIARD,

Plaintiff,

vs.

HOME DEPOT U.S.A., INC., dba "The
Home Depot," and DOES 1 to 20, inclusive
and each of them,

Defendants.

Case No. 2:21-cv-01185-WBS-AC

**STIPULATED REQUEST FOR
CONTINUANCE OF TRIAL AND
RELATED CASE DATES AND
DEADLINES; ORDER**

Courtroom: 5, 14th Floor
Judge: Hon. William B. Shubb

Action Filed: October 24, 2019
Notice of Removal Filed: July 6, 2021
Trial Date: July 18, 2023

1 Plaintiff Ruth Hilliard (“Plaintiff”) and Defendant Home Depot U.S.A., Inc.
2 (“Defendant”) (collectively, the “Parties”) through their respective counsel hereby stipulate as
3 follows:

4 WHEREAS, both expert and non-expert discovery is now closed;

5 WHEREAS, Defendant intends to file a Motion for Summary Judgment on the motion
6 filing deadline of March 24, 2023;

7 WHEREAS, Plaintiff’s opposition to Defendant’s Motion for Summary Judgment will be
8 due on April 7, 2023;

9 WHEREAS, Plaintiff’s deadline to file a Separate Pretrial Statement is May 8, 2023 (14
10 days before the Final Pretrial Conference);

11 WHEREAS, Defendant’s deadline to file a Separate Pretrial Statement is May 15, 2023 (7
12 days before the Final Pretrial Conference);

13 WHEREAS, a Final Pretrial Conference is scheduled for May 22, 2023 at 1:30 p.m.;

14 WHEREAS, a jury trial is scheduled to begin on July 18, 2023 at 9:00 a.m.;

15 WHEREAS, the Parties have scheduled a mediation for April 3, 2023;

16 WHEREAS, counsel for Plaintiff will be in an arbitration hearing in another matter from
17 March 27, 2023 through March 31, 2023;

18 WHEREAS, due to Plaintiff’s arbitration hearing, Plaintiff will not be able to prepare an
19 opposition to Defendant’s Motion for Summary Judgment by the filing deadline of April 7, 2023;

20 WHEREAS, the Parties believe the mediation scheduled for April 3, 2023 will be more
21 productive if the Parties do not spend additional time performing work and incurring expenses
22 related to a Motion for Summary Judgment and trial preparation;

23 WHEREAS, the Parties agree that continuing only the deadline for filing a Motion for
24 Summary Judgment will result in the Parties engaging in pretrial work while the Motion is still
25 pending, and that some or all of this work may become unnecessary, depending on the Court’s
26 ruling on the Motion; and

27 WHEREAS, the Parties have not previously sought an extension of any case date or
28 deadline;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED by and between the Parties through their respective attorneys of record that the Court set the following case schedule:

- (a) Deadline to file motions: October 13, 2023
- (b) Final Pretrial Conference: January 16, 2024 at 1:30 p.m.
- (c) Trial: April 2, 2024

The Parties further stipulate and request that in the event the Court grants the instant stipulated request, but does so after Defendant files its Motion for Summary Judgment on Friday, March 24, 2023, that Plaintiff's opposition to Defendant's Motion for Summary Judgment will be due on April 17, 2023, and Defendant's reply will be due on April 27, 2023.

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DATED: March 21, 2023

LAW OFFICES OF THOMAS MARC LITTON

/s/ Thomas Marc Litton
THOMAS MARC LITTON
Attorneys for Plaintiff
RUTH HILLIARD

DATED: March 21, 2023

LAFAYETTE & KUMAGAI LLP

/s/ Brian H. Chun
BRIAN H. CHUN
Attorneys for Defendant
HOME DEPOT U.S.A., INC.

SIGNATURE ATTESTATION

I hereby attest that I have obtained the concurrence of Thomas Marc Litton, counsel for Plaintiff, for the filing of this Stipulated Request.

/s/ Brian H. Chun
BRIAN H. CHUN

ORDER

Good cause appearing therefor and pursuant to the parties' stipulation, the Court sets the following case schedule:

- (a) Deadline to file motions: October 13, 2023
- (b) Final Pretrial Conference: January 16, 2024 at 1:30 p.m.
- (c) Trial: April 2, 2024 at 9:00 a.m.

In the event this Order is issued after Defendant files its Motion for Summary Judgment on Friday, March 24, 2023, Plaintiff's opposition to Defendant's Motion for Summary Judgment will be due on April 17, 2023, and Defendant's reply will be due on April 27, 2023.

IT IS SO ORDERED.

Dated: March 21, 2023



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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